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C O N F I D E N T I A L JERUSALEM 002226

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SUBJECT: DISTRICT COURT APPROVES BEIT HANINA HOME DEMOLITION

REF: A. JERUSALEM 02183

[1](#)B. JERUSALEM 02194

Classified By: Consul General Jake Walles, per reasons 1.4 (b) and (d)

[1](#)1. (C) Summary. The District Court upheld the order to demolish a Beit Hanina apartment building on October 24. Advisor to Mayor Lupolianski Elad Halevy told PolOff the Municipality has 30 days to implement the court decision. According to the Municipality's October 25 press release, a building permit was issued for a 700 square meter structure, but a 1,400 square meter structure was built, and the building is on land that will be used for a road. PM Fayyad's Advisor on Jerusalem Affairs Hatim Abd al-Qadr told PolOff that the demolition could spark unrest in East Jerusalem. The property developer Majid Abu Ayshah told PolOff he is willing to work out any agreement that spares the building. On October 25, Abu Ayshah submitted a petition to the Israeli High Court requesting cancellation of the demolition order. ICAHD's Meir Margalit rejected the Municipality's assertion that the building is being demolished to accommodate a road. End summary.

#### District Court Upholds Demolition Order

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[1](#)2. (C) On October 24, the Jerusalem District Court confirmed the decision to demolish a Beit Hanina building owned by Majid Abu Ayshah (see ref A). According to an October 25 Municipality press release, a permit was issued to Abu Ayshah to build a 700 square meter, two-story structure above a parking area, but Abu Ayshah built a 1,400 square meter structure "on a section which is designated and approved to be a public road." The press release claims the Municipality spotted the construction early on and issued an order to cease work and then a demolition order. It also says Abu Ayshah "has a history of involvement in fraud, particularly in illegal land deals using fake documents . . . and has many criminal and security offenses and convictions." (Note: RSO has confirmed only one conviction in 2003 for illegal construction for which he paid a 120,000 NIS (30,000 USD) fine. End Note) On October 25, Abu Ayshah submitted a petition to the Israeli High Court requesting cancellation of the demolition order. Neighbors also submitted a petition to the Magistrate court seeking to prevent the GOI from bringing bulldozers on to their land.

[1](#)3. (C) Elad Halevy, Advisor to Jerusalem Mayor Uri Lupolianski, told PolOff the Municipality has 30 days to demolish the building, and he expects the demolition to proceed, because the building seriously violates Jerusalem building codes by exceeding the size specified by the permit and being partially built on land slated for a road. Halevy said the demolition will probably not be for another ten days and will take place unannounced and at night to avoid crowds

of protesters.

#### Demolition Could Spark Unrest

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¶4. (C) Hatim Abd al-Qadr, Advisor to PM Fayyad on Jerusalem Affairs, told PolOff October 24 that hundreds of Palestinians joined an October 23 protest against home demolitions in front of the Municipality buildings. He said this house has rallied opposition to home demolitions, and if the demolition proceeds, it could spark unrest in East Jerusalem. Beit Hanina residents are expected to gather for Friday prayers on October 26 in front of Abu Ayshah's apartment building.

¶5. (C) Abu Ayshah told PolOff on October 24 that he is open to a compromise with the Municipality and suggested paying additional taxes, sealing one of the floors pending negotiations, and removing pillars from the roof that are designed to support an unbuilt fifth story. He said all Municipality officials, except Legal Advisor Yossi Havalio, are willing to negotiate. Abu Ayshah admitted he has no legal case and is depending on a political solution.

#### Allegations Denied that Building on Road Route

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¶6. (C) Meir Margalit, Coordinator for the Israeli Committee Against Home Demolitions (ICADH) rejected the allegation that the building sits on land designated for a road. He said the Municipality would not have issued the original permit in this case and speculated that the road was planned after the building permit was issued.

WALLES